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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/539,456

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Benoit De Boursetty

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DRINKER BIDDLE & REATH LLP

ATTN: PATENT DOCKET DEPT.

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CHICAGO, IL 60606

EXAMINER

YOUSSEF, ADEL Y

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

10/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,456

Applicant(s)

DE BOURSETTY ET AL.

Examiner

ADEL YOUSSEF

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/17/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 20 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter "The software component " renders the claims non-statutory because in the specification, page 2, paragraph 30 definite the software component as " electronic signature component". Since the software component isn't machine, manufacture, process, composition, the claimed invention is directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being anticipated over Nachman et al (PGPUB - No: US 2001/0027474) in view of Streble et al (PGPUB No: 20040205119).

5. Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Regarding claim 1, Nachman teaches a method for communication between a first unit and a second unit via a telecommunications network, wherein the first unit comprises a first family of applications and a second family of applications having communication capacities on the network extending beyond communication capacities of the applications of the first family, (paragraphs 12, 31, teach communication between users and servers) the method comprising the steps of:

/a2/ obtaining by a confidence component belonging to the second family (WAP browser # 200, see figure 2) of applications, a statement of a question (popup message) to be posed to a user of the first unit (devices #101-103 computers, and mobile #106 see figure1) in the context of an execution of an application of the first family (Java applets, see figures 5 and 6); (Paragraphs 6, 16, 28 and 29)

/b/ presenting the question by the confidence component (WAP browser # 200, see figure 2) via a user interface and capturing a response from the user by the confidence component; (paragraph 6), and

/c/ for at least one type of response from the user, transmitting from the confidence component (WAP browser # 200, see figure 2) to the second unit (web server # 206, figure 2), via the network, at least one message identifying the question (user send a pop-up message) presented and indicating the response captured, said message being transmitted under conditions inaccessible to the applications of the first family (Java applet is started # 500. The Java applet retrieves the web or WAP browser's locally stored identification information #501, see figure 5), (paragraphs 31, 32, 41, and 42)

except for /a1/ executing in the first unit an application of the first family which was not downloaded from the second unit, the execution comprising posing a question to a user of the first unit . However Streble et al. teach executing in the first unit an application of the first family which was not downloaded from the second unit, the execution comprising posing a question to a user of the first unit (paragraphs 37, 41, 44, see figure 3, teach the content development data that is to be passed to the analysis server, which is the data after the question mark (?) in the sample HTML image request and an identifier such as "Page Data" in the present). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Nachman to include posing a question to a user of the first unit as taught by Streble in order to provide the Web browser performs the image request, the content development data is passed along with the image request to the analysis server where the tracker application is located., thereby improve more security for the user.

Regarding claim 2, Nachman further teaches the method as claimed in claim 1, wherein the question posed is identified in the message of step /c/ by including the question statement in said message (paragraphs 31, 32, 41, and 42 Nachman teaches that response from the user, transmitting from confidence (WAP browser # 200, see figure 2) to the second unit (web server # 206, figure 2) over the network, user send a pop-up message (message identifying the question).

Regarding claim 3, Nachman further teaches the method as claimed in claim 1, wherein, for at least one other type of response reflecting a refusal of the user in relation to the question posed, the confidence component indicates the refusal to said application of the first family (paragraphs 41, 42, Nachman further teaches that when the user send pop-up message (message question) with marks of the recipients and clicks compose message if the other user excepted and if the user decline the message the refusal will go back to the sender (credit card transactions), the confidence component (WAP browser # 200, see figure 2) indicates the refusal to said application of the (Java applet is started # 500. The Java applet retrieves the web or WAP browser's locally stored identification information #501, see figure 5)).

Regarding claim 4, Nachman teaches the method as claimed in claim 3, wherein, for the type of response reflecting a refusal of the user (credit card transactions), in relation to the question (pop-up message) posed, the confidence component (WAP browser #

200, see figure 2) does not transmit the message of step /c/ to the second unit (web server # 104, figure 1), (paragraphs 41, 42 and 29).

Regarding claim 5, Nachman further teaches the method as claimed in claim 1, further comprising the step of validating the response of the user at the second unit on receipt of the message transmitted in step /c/ by making sure that said message has actually been transmitted under conditions inaccessible to the applications of the first family (paragraph 02,13, 27, 31, 32 and 34, Nachman teaches the user response is validating at the web server, receipt of pushed content and transacting of secure e-commerce on the same web page, message been transmitted to Java applet, see figures 2 and 6).

Regarding claim 6, Nachman teaches the method as claimed in claim 5, further comprising the step of returning, following validation of the user's response, a response message from the second unit to the confidence component via the network (paragraph 12, 27 and 31, Nachman teaches that a response message from the web server to WAP, see figures 1,2, and 3).

Regarding claim 7, Nachman further teaches the method as claimed in claim 6, wherein the confidence component indicates to said application of the first family the content of the response message received from the second unit (paragraph 29, 33, 34 and 37, Nachman teaches the application of the applet the content of the response message received from the web server, see figures 2 and 4).

Regarding claim 8, Nachman further teaches the method as claimed in claim 1, wherein the statement of the question is indicated directly to the confidence component in step /a/ by said application of the first family (Paragraphs 6, 28, 29, and 16, Nachman teaches that second family (WAP browser # 200, see figure 2) of applications a statement of question (popup) to user of the first unite (devices #101-103 computers, and mobile #106 see figure1) in the context of an application of the first family (Java applets, see figures 5 and 6).

Regarding claim 9, Nachman further teaches the method as claimed in claim 8, wherein said application of the first family indicates an address of the second unit with the statement of the question in step /a/ (Paragraphs 4, 36-39, Nachman teaches that java applet indicates an address of the web server (see figures 5A, 5B) with the applications a statement of question (popup massage) to user of the first unit (devices #101-103 computers, and mobile #106 see figure1) in the context of an application of the first family (Java applets), see figures 5 and 6).

Regarding claim 10, Nachman further teaches the method as claimed in claim 1, wherein step /a/ comprises the following sub-steps:
/a1/ indicating from said application of the first family to the confidence component an address of the second unit and a request to be submitted in order to obtain the statement of the question from the second unit, (Paragraphs 4, 36-39, Nachman

teaches that java applet indicates an address of the web server (see figures 5A, 5B) with the applications a statement of question (popup message) to user of the first unite (devices #101-103 computers, and mobile #106 see figure1) in the context of an application of the first family (Java applets), see figures 5 and 6)

/a2/ transmitting the request from the confidence component to the indicated address via the network (paragraphs 4, 37 Nachman teaches that WAP browser's locally stored identification information #501 such as the current IP address used by the browsing computer, see figure 4)

/a3/ retrieving the statement of the question at the confidence component (WAP browser # 200, see figure 2) from a response to the request returned by the second unit (web server # 206, figure 2) via the network (paragraph 32, see figure 2).

Regarding claim 11, Nachman further teaches the method as claimed in claim 10, wherein the request is transmitted by the confidence component in sub-step /a2/ under conditions accessible to the applications of the first family (paragraphs 13, 25, 31, and 32, Nachman teaches the http request is transmitted by the WAP or web browser and Java applet, an Active-X control or any other executable content that does not require a dedicated download and installation process, see figure 2).

Regarding claim 12, Nachman further teaches the method as claimed in claim 10,

wherein the response to the request returned by the second unit further includes a reference, said reference being stored by the confidence component and then inserted into the message transmitted in step /c/ to identify the question posed (paragraph 32, Nachman teaches the pop-up message (question) at the WAP component from a response to the request returned by the second unit (web server) via the network, (see figure 2) and WAP browser's locally stored identification information #501 such as the current IP address used by the browsing computer, see figure 4)

Regarding claim 13, Nachman further teaches the method as claimed in claim 1, wherein said application of the first family (java applet) is a program written in Java language, and the confidence component is incorporated in a virtual Java machine with which the first unit (WAP and applet) is provided (paragraphs 34, 42, see figures 2 and 6).

Regarding claim 14, Nachman teaches the method as claimed in claim 1, wherein the applications of the second family have the capacity to access, via the network, at least one URL associated with the second unit and inaccessible to the applications of the first family (paragraphs 4, 38 and 42, Nachman teaches the server (second unit) loads the applicable URL of the message into the applicable window of WAP browser (second family) to the appropriate recipient).

Regarding claim 15, Nachman further teaches the method as claimed in claim 1,

wherein the applications of the first family (Java applet) are not capable of accessing the network (Paragraphs 33, 34 and 37, Java applet is used instead of an auto refreshing HTML page, see figures 2,5 and 6).

Regarding claim 16, Nachman further teaches the method as claimed in claim 1, wherein the applications of the first family have the capacity, in a determined transfer protocol, to access only a single remote site which does not comprise the second unit (paragraphs 04, 13, 31, 34, Nachman teaches that Java applet (first family) transfer http and WAP to access only a single remote site which does not comprise the web server (second unit), see figures 2 and 6).

Regarding claim 17, Nachman further teaches the method as claimed in claim 1, wherein each request originating from an application of the second family transmitted on the network and destined for the second unit is forced to include a marking associated with the second family of applications (paragraph 32, 41 and 42, Nachman teaches the web server (second unit) is forced to include a message marks the details of the recipients (text, video, audio) associated with the WAP or web browser (second family).

Regarding claim 18, Nachman further teaches the method as claimed in claim 1, wherein each request originating from an application of the second family transmitted on the network and destined for the second unit is forced not to include a marking associated with the first family, said marking being included in at least some of the

requests transmitted on the network and originating from applications of the first family (paragraph 04, 32, 41 and 42, Nachman teaches the web server (second unit) is forced to include a message marks the details of the recipients (text, video, audio) associated with the WAP or web browser (second family), the requests transmitted on the network and originating from applications of the java applet (first family), see figures 2, 4 and 6).

Regarding claim 19, Nachman further teaches the method as claimed in claim 17, wherein the requests comprise HTTP requests and the marking is inserted in the headers of the HTTP requests (paragraph 13, 31-38, Nachman teaches the HTTP requests (see figure 2) and the information can be retrieved from the HTTP headers of said HTTP request (see figure4)).

Regarding claim 20, Nachman teaches a confidence software component for a first unit capable of communicating with a second unit via a telecommunications network, the first unit comprising a first family of applications and a second family of applications having communication capacities on the network extending beyond communication capacities of the applications of the first family, wherein the confidence component belongs to the second family of applications and includes instructions to control the following steps in an execution of the component in the first unit;

/a2/ obtaining a statement of a question to be posed to a user of the first unit in the context of an execution of an application of the first family; (Paragraphs 6, 16, 28 and 29, Nachman teaches that second family (WAP browser # 200, see figure 2) of

applications a statement of question (popup) to user of the first unite (devices #101-103 computers, and mobile #106 see figure1) in the context of an application of the first family (Java applets, see figures 5 and 6). except for /a/ executing in the first unit an application of the first family which was not downloaded from the second unit, the execution comprising posing a question to a user of the first unit . However Streble et al. teach executing in the first unit an application of the first family which was not downloaded from the second unit, the execution comprising posing a question to a user of the first unit (paragraphs 37, 41, 44, see figure 3, teach the content development data that is to be passed to the analysis server, which is the data after the question mark (?) in the sample HTML image request and an identifier such as "Page Data" in the present). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Nachman to include posing a question to a user of the first unit as taught by Streble in order to provide the Web browser performs the image request, the content development data is passed along with the image request to the analysis server where the tracker application is located., thereby improve more security for the user.

/b/ presenting the question via a user interface and capturing a response from the user; (paragraph 6, Nachman teaches the pop-up message (question) via a user interface and capturing a response from user (#101-103,106, see figure1) and

/c/ for at least one type of response from the user, transmitting to the second unit, via the network, at least one message identifying the question presented and indicating the response captured, said message being transmitted under conditions inaccessible to the applications of the first family (paragraphs 31, 32, 41, and 42, Nachman teaches that response from the user, transmitting from confidence (WAP browser # 200, see figure 2) to the second unit (web server # 206, figure 2) over the network, user send a pop-up message (message identifying the question).

Regarding claim 21, Nachman teaches a communications terminal comprising means for communicating with a remote unit via a telecommunications network and hosting a first family of applications and a second family of applications having communication capacities on the network extending beyond communication capacities of the applications of the first family, wherein the second family of applications comprises a confidence component including instructions to control the following steps in an execution of the component:

/a2/ obtaining a statement of a question to be posed to a user of the communications terminal in the context of an execution of an application of the first family; (paragraphs 33, 34, 38 and 42, Nachman teaches that Java applets (first family) to be executed by said web or WAP browser # 200, see figure 2)

/b/ presenting the question via a user interface and capturing a response from the user; (paragraph 6, Nachman teaches the pop-up message (question) via a user interface and capturing a response from user (#101-103,106, see figure1) and

/c/ for at least one type of response from the user, transmitting to the remote unit, via the network, at least one message identifying the question presented and indicating the response captured, said message being transmitted under conditions inaccessible to the applications of the first family paragraphs 31, 32, 41, and 42 Nachman teaches that response from the user, transmitting from confidence (WAP browser # 200, see figure 2) to the second unit (web server # 206, figure 2) over the network, user send a pop-up message (message identifying the question) except for /a/ executing in the first unit an application of the first family which was not downloaded from the second unit, the execution comprising posing a question to a user of the first unit . However Streble et al. teach executing in the first unit an application of the first family which was not downloaded from the second unit, the execution comprising posing a question to a user of the first unit (paragraphs 37, 41, 44, see figure 3, teach the content development data that is to be passed to the analysis server, which is the data after the question mark (?) in the sample HTML image request and an identifier such as "Page Data" in the present). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Nachman to include posing a question to a user of the first unit as taught by Streble in order to provide the Web browser performs the image request, the content development data is passed along with the image request to the analysis server where the tracker application is located., thereby improve more security for the user.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure Philip et al (Patent No: US7185202) teach a system for obtaining an electronic signature from a browser. During operation, the system receives a request for an electronic signature for a document, wherein the request is received from an application in a standardized format that is independent of browser type and signing method. Next, the system reformats the request to be compatible with a given browser type and signing method, and then forwards the reformatted request to the browser to obtain an electronic signature for the document. Finally, the system receives the electronic signature from the browser and returns the electronic signature to the application.

Any response to this Office Action should be **faxed** to (571) 273-8300 or **mailed to**:
Commissioner for patents
P.O.Box1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window

Randolph Building

401 Dulany street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adel Y. Youssef whose telephone number is 571-270-3525. The examiner can normally be reached on Monday to Thursday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDERSON MATTHEW can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ADEL YOUSSEF/

Examiner, Art Unit 2618

/Matthew D. Anderson/

Supervisory Patent Examiner, Art Unit 2618